

HOUSE BILL 2837
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 5, relative to dental referral services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 5, is amended by adding a new section thereto, as follows:

Section _____. Dental referral services and participating dentists, as defined in subsection (c), shall be subject to the following:

(a) A dental referral service shall not participate in the advertising of, or operate, a dental referral service unless it meets all of the following requirements:

(1) Its patient referrals result from patient-initiated responses to the dental referral service's advertising;

(2) It discloses to any prospective patient who contacts the service that participating dentists have paid a fee for participation in the service;

(3) It does not impose a fee on participating dentists dependent on the number of referrals or amount of professional fees paid by the patient to the dentist; and

(4) It duly registers with the board, providing all information reasonably required by the board and also a copy of the standard-form contract that regulates its relationship with participating dentists.

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(b) Participating dentists shall not enter into an agreement to accept for dental care or treatment a person referred or recommended by a dental referral service unless the dental referral service meets all the requirements of subsection (a). Participating dentists shall charge no more than their usual and customary fees to any patient so referred or recommended.

(c) A “dental referral service” is a person, firm, partnership, association, corporation, agent, or employee of any of the foregoing that engages in any business or service for profit that in whole or in part includes the referral or recommendation of persons to a dentist for any form of dental care or treatment. A “participating dentist” is a dentist duly licensed under this chapter who has paid a fee to a dental referral service in order to be included in its referral service.

(d) A dental referral service that advertises shall include in each advertisement legible or audible language, or both, a disclaimer containing all the following statements or information:

(1) The participating dentist of the dental referral service is a dentist who has paid a fee to participate in the service;

(2) The advertisement is paid for by participating dentists;

(3) No representation is made about the quality of the dental services to be performed or the expertise of the participating dentists; and

(4) Participating dentists are not more or less qualified than dentists who are not participating in the service.

(e) Dental referral service advertisements shall not do any of the following:

(1) Advertise or solicit patients in a manner that contains a false, fraudulent, misleading, or deceptive statement in any material respect;

(2) Publish or circulate, directly or indirectly, any false, fraudulent, misleading or deceptive statement as to the skill or methods of practice of any participating dentist;

(3) Contain a statement or make a recommendation that the dental referral service provides referrals to the most qualified dentists or dental practice;

(4) Contain a review process or a screening; or

(5) Contain qualifications or information verification that misleads the public into thinking a participating dentist has obtained special recognition or joined a selective group of licensed dentists by being a participating dentist in the dental referral service.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.